

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14157 of Wyatt Stewart III, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a building which now exceeds the lot occupancy requirements (Paragraph 7105.12) and from the open court requirements (Sub-section 3360.1 and Paragraph 7105.12) to construct a third story addition to a single family row dwelling, a nonconforming structure, in an R-4 District at premises 320 A Street, S.E. (Square 787, Lot 32).

HEARING DATE: July 18, 1984

DECISION DATE: July 18, 1984 (Bench Decision)

FINDINGS OF FACT:

1. The application was incorrectly advertised as proposing a "three" story addition to the subject premises. As evidenced from the record, the applicant is seeking a "third" story addition.

2. The subject property is located in an R-4 District on the north side of A Street, between 3rd and 4th Streets, S.E. The property is known as 320 A Street, S.E.

3. The subject lot is approximately rectangular in shape, having a width of 20.04 feet and a depth of 128.08 feet. There is a small rectangular notch at the northeast corner of the lot, adjacent to and part of a public alley system in the square. The lot contains 2,515.56 square feet.

4. The property is improved with a two story plus basement brick row dwelling. There is a garage located at the rear of the lot adjacent to the alley.

5. The existing dwelling has a living room, dining room, kitchen and powder room on the first floor. The second floor contains two bedrooms, two bathrooms and a dressing area now used as a bedroom. There is a long hall located along the west wall of the second floor.

6. The applicant proposes to construct an addition to the dwelling at the third story. The addition as originally proposed was set back seven feet from the front of the building. The addition would contain two bedrooms, one full bathroom, half-bathroom and a common living area.

7. The maximum lot occupancy for a row dwelling in an R-4 District is sixty percent. For the subject lot, the maximum permitted building area is 1,509.34 square feet. The existing building area is 1,696.59 square feet. The existing building area includes the existing building, the existing garage and the existing open court, which is less than five feet wide, on the east side of the building.

8. The applicant requires a variance to expand an existing nonconforming structure which exceeds the lot occupancy requirements. The proposed addition by itself would not exceed the lot occupancy requirement. The addition would not increase the occupancy of the lot.

9. The addition at the third floor level would follow the wall of the building adjacent to the existing open court on the east side of the building. The existing court has a width of 4.08 feet, and would not be changed. Based on the height of the building, the court is required to have a width of at least eleven feet. The applicant therefore seeks a variance of 6.92 feet.

10. The applicant's family consists of himself, his wife, a daughter and a son. The applicant desires to make the addition to provide sufficient bedrooms to accommodate the family and occasional guests.

11. The applicants are unable to provide the additional bedrooms within the limits of the existing building. The basement area cannot be used for bedrooms because it does not meet the requirements of the Building Code. The arrangement of the second floor, with the existing hallway, bathrooms and lack of windows in certain areas, is such that it cannot be rearranged to provide additional bedrooms without completely gutting the home. The house has already been substantially renovated.

12. The only option for expanding the building was to build on top of the second floor. Any expansion to the rear would have further violated the lot occupancy requirements.

13. The applicant's architect testified that he had presented the plans for the addition to the Historic Preservation Review Board (HPRB) because the property is in the Capitol Hill Historic District. The HPRB requested that the front wall of the addition be moved forward to follow the front wall of the first and second floors. The applicant has agreed to follow the request of the HPRB, although there are no plans in the record to that effect.

14. The subject dwelling is not the same as other dwellings in that block. The adjoining building to the east is an existing three story structure used as a rooming use,

which extends further to the rear than does the subject building.

15. The owners of the adjoining property to the east and west, as well as owners of property to the rear across the alley, indicated in writing that they had seen the plans for the addition and had no objection to the application. There are two other letters in the record in support of the application.

16. The Capitol Hill Restoration Society, by letter dated July 14, 1984, reported that its Board of Directors voted to oppose the application. The Society was of the opinion that the applicant had not met the burden of demonstrating a practical difficulty to warrant the granting of a variance.

17. One additional letter was received expressing concern about the impact of the addition on the Capitol Hill Historic District.

18. As to the issues raised by the Capitol Hill Restoration Society, based on Findings No. 11, 12 and 14, the Board finds that the applicant has met the test for granting of a variance. As to the impact on the historic district, the proposed addition must receive the further approval of the Historic Preservation Review Board, which is the board which has primary jurisdiction for the protection of historic districts.

19. There was no report from Advisory Neighborhood Commission 6B.

20. There was no opposition present at the public hearing.

#### CONCLUSIONS OF LAW AND OPINION:


Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the configuration of the subject dwelling creates an exceptional condition and that the applicant would suffer practical difficulties if the Zoning Regulations were strictly applied. There is no practical way to provide additional bedrooms in the existing dwelling. Any addition would require a variance because the dwelling is already slightly over the permitted lot occupancy. The addition follows the walls of the existing court, and would be difficult to alter to provide a conforming court.

The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED, provided that the addition may be extended to the line of the front of the existing building if required by the Historic Preservation Review Board.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Walter B. Lewis and Carrie L. Thornhill to grant, Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER:

AUG 17 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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